

# HOUSE BILL 130

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By: **Delegates Braveboy, Burns, Cane, Carr, Carter, Gaines, Howard, Pena–Melnyk, B. Robinson, Ross, V. Turner, Valderrama, Washington, and Wilson**

Introduced and read first time: January 24, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Race–Based Traffic Stops**

3 FOR the purpose of requiring certain law enforcement officers to record certain  
4 information pertaining to traffic stops; requiring certain law enforcement  
5 agencies to report certain information to the Maryland Justice Analysis Center  
6 (MJAC); requiring the Police Training Commission to develop a certain format  
7 and guidelines and a standardized format for the reporting of certain data;  
8 requiring the Police Training Commission to develop a certain model policy;  
9 requiring the MJAC to analyze certain data based on a methodology developed  
10 in conjunction with the Police Training Commission; requiring the MJAC to  
11 make certain reports to the General Assembly, the Governor, and law  
12 enforcement agencies; requiring law enforcement agencies to adopt certain  
13 policies regarding race–based traffic stops for certain purposes; requiring the  
14 MJAC to report to the Police Training Commission law enforcement agencies  
15 that fail to comply with certain reporting requirements; requiring specified  
16 actions following a report on the failure of a law enforcement agency to comply;  
17 providing certain exceptions applicable to law enforcement agencies that are  
18 subject to certain agreements; defining certain terms; requiring the Governor to  
19 appropriate certain funding in each fiscal year to assist local law enforcement  
20 agencies to implement certain provisions of this Act; and generally relating to  
21 law enforcement procedures and traffic stops.

22 BY adding to

23 Article – Transportation

24 Section 25–113

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Transportation**

4 **25–113.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
6 MEANINGS INDICATED.

7 (2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS  
8 LISTED IN § 3–101(E) OF THE PUBLIC SAFETY ARTICLE AND THAT, IN  
9 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, IS SUBJECT TO THE  
10 PROVISIONS OF THIS SECTION.

11 (3) “LAW ENFORCEMENT OFFICER” MEANS ANY PERSON WHO, IN  
12 AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS  
13 AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY THAT IS SUBJECT TO THIS  
14 SECTION.

15 (4) “MARYLAND JUSTICE ANALYSIS CENTER” MEANS THE  
16 CENTER OPERATED BY THE DEPARTMENT OF CRIMINOLOGY AND CRIMINAL  
17 JUSTICE AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK.

18 (5) “POLICE TRAINING COMMISSION” MEANS THE UNIT WITHIN  
19 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES  
20 ESTABLISHED UNDER § 3–202 OF THE PUBLIC SAFETY ARTICLE.

21 (6) (I) “TRAFFIC STOP” MEANS ANY INSTANCE WHEN A LAW  
22 ENFORCEMENT OFFICER STOPS THE DRIVER OF A MOTOR VEHICLE AND  
23 DETAINS THE DRIVER FOR ANY PERIOD OF TIME FOR A VIOLATION OF THE  
24 MARYLAND VEHICLE LAW.

25 (II) “TRAFFIC STOP” DOES NOT INCLUDE:

26 1. A CHECKPOINT OR ROADBLOCK STOP;

27 2. A STOP OF MULTIPLE VEHICLES DUE TO A  
28 TRAFFIC ACCIDENT OR EMERGENCY SITUATION REQUIRING THE STOPPING OF  
29 VEHICLES FOR PUBLIC SAFETY PURPOSES; OR

30 3. A STOP BASED ON THE USE OF RADAR, LASER, OR  
31 VASCAR TECHNOLOGY.

1           **(B) THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE**  
2 **MARYLAND JUSTICE ANALYSIS CENTER, SHALL DEVELOP:**

3           **(1) A MODEL FORMAT FOR THE EFFICIENT RECORDING OF DATA**  
4 **REQUIRED UNDER SUBSECTION (D) OF THIS SECTION ON AN ELECTRONIC**  
5 **DEVICE, OR BY ANY OTHER MEANS, FOR USE BY A LAW ENFORCEMENT AGENCY;**

6           **(2) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY**  
7 **USE AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED BY ITS OFFICERS**  
8 **FOR USE IN COUNSELING AND IMPROVED TRAINING;**

9           **(3) A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT**  
10 **AGENCY SHALL USE IN REPORTING DATA TO THE MARYLAND JUSTICE**  
11 **ANALYSIS CENTER UNDER SUBSECTION (E) OF THIS SECTION; AND**

12           **(4) A MODEL POLICY AGAINST RACE-BASED TRAFFIC STOPS THAT**  
13 **A LAW ENFORCEMENT AGENCY CAN USE IN DEVELOPING ITS POLICY IN**  
14 **ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.**

15           **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS**  
16 **SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS ONE OR**  
17 **MORE LAW ENFORCEMENT OFFICERS.**

18           **(2) EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS**  
19 **SECTION, THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY**  
20 **THAT IS SUBJECT TO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT**  
21 **OF JUSTICE THAT REQUIRES IT TO COLLECT DATA ON THE RACE OR ETHNICITY**  
22 **OF THE DRIVERS OF MOTOR VEHICLES STOPPED.**

23           **(D) EACH TIME A LAW ENFORCEMENT OFFICER MAKES A TRAFFIC STOP,**  
24 **THAT OFFICER SHALL REPORT THE FOLLOWING INFORMATION TO THE LAW**  
25 **ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER USING THE FORMAT**  
26 **DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION:**

27           **(1) THE DATE, LOCATION, AND THE TIME OF THE STOP;**

28           **(2) THE APPROXIMATE DURATION OF THE STOP;**

29           **(3) THE TRAFFIC VIOLATION OR VIOLATIONS ALLEGED TO HAVE**  
30 **BEEN COMMITTED THAT LED TO THE STOP;**

31           **(4) WHETHER A SEARCH WAS CONDUCTED AS A RESULT OF THE**  
32 **STOP;**

1           **(5) IF A SEARCH WAS CONDUCTED, THE REASON FOR THE**  
2 **SEARCH, WHETHER THE SEARCH WAS CONSENSUAL OR NONCONSENSUAL,**  
3 **WHETHER A PERSON WAS SEARCHED, AND WHETHER A PERSON'S PROPERTY**  
4 **WAS SEARCHED;**

5           **(6) WHETHER ANY CONTRABAND OR OTHER PROPERTY WAS**  
6 **SEIZED IN THE COURSE OF THE SEARCH;**

7           **(7) WHETHER A WARNING, SAFETY EQUIPMENT REPAIR ORDER,**  
8 **OR CITATION WAS ISSUED AS A RESULT OF THE STOP;**

9           **(8) IF A WARNING, SAFETY EQUIPMENT REPAIR ORDER, OR**  
10 **CITATION WAS ISSUED, THE BASIS FOR ISSUING THE WARNING, SAFETY**  
11 **EQUIPMENT REPAIR ORDER, OR CITATION;**

12           **(9) WHETHER AN ARREST WAS MADE AS A RESULT OF EITHER**  
13 **THE STOP OR THE SEARCH;**

14           **(10) IF AN ARREST WAS MADE, THE CRIME CHARGED;**

15           **(11) THE STATE IN WHICH THE STOPPED VEHICLE IS REGISTERED;**

16           **(12) THE GENDER OF THE DRIVER;**

17           **(13) THE DATE OF BIRTH OF THE DRIVER;**

18           **(14) THE STATE AND, IF AVAILABLE ON THE DRIVER'S LICENSE,**  
19 **THE COUNTY OF RESIDENCE OF THE DRIVER; AND**

20           **(15) THE RACE OR ETHNICITY OF THE DRIVER AS:**

21                   **(I) ASIAN;**

22                   **(II) BLACK;**

23                   **(III) HISPANIC;**

24                   **(IV) WHITE; OR**

25                   **(V) OTHER.**

26           **(E) (1) A LAW ENFORCEMENT AGENCY SHALL:**

1                   (I)    **COMPILE THE DATA DESCRIBED IN SUBSECTION (D) OF**  
2 **THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT**  
3 **REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION; AND**

4                   (II) **SUBMIT THE REPORT TO THE MARYLAND JUSTICE**  
5 **ANALYSIS CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR**  
6 **YEAR.**

7                   (2)    **A LAW ENFORCEMENT AGENCY THAT IS EXEMPT UNDER**  
8 **SUBSECTION (C)(2) OF THIS SECTION SHALL SUBMIT TO THE MARYLAND**  
9 **JUSTICE ANALYSIS CENTER COPIES OF REPORTS IT SUBMITS TO THE UNITED**  
10 **STATES DEPARTMENT OF JUSTICE IN LIEU OF THE REPORT REQUIRED UNDER**  
11 **PARAGRAPH (1) OF THIS SUBSECTION.**

12                  (F)    (1)   **THE MARYLAND JUSTICE ANALYSIS CENTER SHALL ANALYZE**  
13 **THE ANNUAL REPORTS OF LAW ENFORCEMENT AGENCIES SUBMITTED UNDER**  
14 **SUBSECTION (E) OF THIS SECTION BASED ON A METHODOLOGY DEVELOPED IN**  
15 **CONSULTATION WITH THE POLICE TRAINING COMMISSION.**

16                  (2)    **THE MARYLAND JUSTICE ANALYSIS CENTER SHALL SUBMIT**  
17 **A REPORT OF THE FINDINGS TO THE GOVERNOR, THE GENERAL ASSEMBLY AS**  
18 **PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW**  
19 **ENFORCEMENT AGENCY BEFORE SEPTEMBER 1 OF EACH YEAR.**

20                  (G)    (1)   **A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY**  
21 **AGAINST RACE-BASED TRAFFIC STOPS THAT IS TO BE USED AS A MANAGEMENT**  
22 **TOOL TO PROMOTE NONDISCRIMINATORY LAW ENFORCEMENT AND IN THE**  
23 **TRAINING AND COUNSELING OF ITS OFFICERS.**

24                  (2)    (1)   **THE POLICY SHALL PROHIBIT THE PRACTICE OF USING**  
25 **AN INDIVIDUAL'S RACE OR ETHNICITY AS THE SOLE JUSTIFICATION TO INITIATE**  
26 **A TRAFFIC STOP.**

27                  (II)   **THE POLICY SHALL MAKE CLEAR THAT IT MAY NOT BE**  
28 **CONSTRUED TO ALTER THE AUTHORITY OF A LAW ENFORCEMENT OFFICER TO**  
29 **MAKE AN ARREST, CONDUCT A SEARCH OR SEIZURE, OR OTHERWISE FULFILL**  
30 **THE OFFICER'S LAW ENFORCEMENT OBLIGATIONS.**

31                  (3)    **THE POLICY SHALL PROVIDE FOR THE LAW ENFORCEMENT**  
32 **AGENCY TO PERIODICALLY REVIEW DATA COLLECTED BY ITS OFFICERS UNDER**  
33 **SUBSECTION (D) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF**  
34 **THE MARYLAND JUSTICE ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH**  
35 **(1) OF THIS SUBSECTION.**

1           **(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
2 **REPORTING PROVISIONS OF THIS SECTION, THE MARYLAND JUSTICE ANALYSIS**  
3 **CENTER SHALL REPORT THE NONCOMPLIANCE TO THE POLICE TRAINING**  
4 **COMMISSION.**

5           **(2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE**  
6 **LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH**  
7 **THE REQUIRED REPORTING PROVISIONS.**

8           **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH**  
9 **THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING**  
10 **CONTACTED BY THE POLICE TRAINING COMMISSION, THE MARYLAND JUSTICE**  
11 **ANALYSIS CENTER AND THE POLICE TRAINING COMMISSION JOINTLY SHALL**  
12 **REPORT THE NONCOMPLIANCE TO THE GOVERNOR AND THE LEGISLATIVE**  
13 **POLICY COMMITTEE OF THE GENERAL ASSEMBLY.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That in order to assist local  
15 government law enforcement agencies to implement the data collection and reporting  
16 provisions of this Act, the Governor shall:

17                   (1) provide for a deficiency appropriation in the State budget for fiscal  
18 year 2012; and

19                   (2) appropriate money in the State budget for each fiscal year  
20 thereafter.

21           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2011.